

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PENOVIA LLC,

Plaintiff,

v.

GIGASET COMMUNICATIONS INC.,

Defendant.

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CIVIL ACTION NO. 2:13-cv-776-JRG

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO SET ASIDE DEFAULT AGAINST DEFENDANT GIGASET
COMMUNICATIONS INC. AND ESTABLISH DEADLINE TO RESPOND TO
COMPLAINT**

WHEREAS, a Default is entered by the Clerk of the Court against Defendant Gigaset Communications Inc. (“Gigaset”) on December 2, 2013 (Dkt. No. 10);

WHEREAS, Gigaset has closed its business and no longer hires any regular employees. Currently Gigaset only has one contract consultant who did not receive the complaint until January 31, 2014;

WHEREAS, after receiving the complaint, Gigaset immediately retained counsel and its attorney Bijal V. Vakil enters his appearance in this matter for Defendant Gigaset on February 3, 2014 (Dkt. No. 11);

WHEREAS, after entering the appearance, Gigaset notified and consulted with Penovia concerning a motion set aside the Default. Penovia agrees not to oppose this motion.

NOW THEREFORE Gigaset submits that good cause exists to set aside the Default and hereby requests that the Court vacate the Default entered by the Clerk of the Court on December

2, 2014 as to Gigaset. It is further hereby submitted and requested that the deadline for Gigaset to file an answer to the Complaint should be set for February 11, 2014.

Dated: February 7, 2014

Respectfully submitted,

By: /s/ Bijal V. Vakil
Bijal V. Vakil
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Eastern District of Texas)*
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Attorneys for Defendants
GIGASET COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 7th day of February, 2014.

/s/ Bijal V. Vakil
Bijal V. Vakil

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel has complied with the meet and confer requirement in Local Rule CV-7(h), and that this motion is unopposed.

/s/ Bijal V. Vakil
Bijal V. Vakil